

AO 399 (Rev. 10/95)

WAIVER OF SERVICE OF SUMMONS

TO: MICHAEL K. BRISBIN, Attorney for Plaintiff PRINCIPAL LIFE INSURANCE COMPANY
 (NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, VINA CUESTA STATUA, acknowledge receipt of your request
 (DEFENDANT NAME)

that I waive service of summons in the action PRINCIPAL LIFE INSURANCE COMPANY v. STATUA, et al.,
 (CAPTION OF ACTION)

of which is case number C07-04915 (JCS) in the United States District Court for the
 (DOCKET NUMBER)
NORTHERN District of CALIFORNIA.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after October 4, 2007,
 (DATE REQUEST WAS SENT)
 or within 90 days after that date if the request was sent outside the United States.

Nov 2, 2007
 (DATE)

[Signature]
 (SIGNATURE)

Printed/Typed Name: MARK CARDINAL

As ATTORNEY of VINA CUESTA STATUA
 (TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.



PROOF OF SERVICE

Case Name: *Principal Ins. Co. vs. Statua, et al.*

Action Number: CV-04915

I am a citizen of the United States of America. My business address is Post Office Box 996/53 Muckeleme Street, San Juan Bautista, California, 95045. I am employed in the County of San Benito where this service occurs. I am over the age of 18 years, and not a party to this litigation. I am readily familiar with my employer's normal business practice for collection and processing of correspondence for mailing with the U.S. Postal Service and that practice is that correspondence is deposited with the U.S. Postal Service the same day as the day of collection in the ordinary course of business.

On the date set forth below, following ordinary business practice, I served a true copy of the foregoing document(s) described as:

WAIVER OF SERVICE OF SUMMONS

The above described documents were served on the following interested parties in the manner set forth below, or on the attached service list.

Michael K. Brisbin
WILSON, ELSE, MOSKOWITZ, EDELMAN
525 Market Street, 17th Floor
San Francisco, CA 94105

Corazon Ambe Cabaes
14323 Merced Street
San Leandro, CA 94579

Laura Spease
LAW OFFICES OF LAURA SPEASE
7700 Edgewater Drive
Oakland, CA 94621

- ☐ **BY FAX:** By transmitting via facsimile the document(s) listed above to the facsimile number(s) set forth below, or as stated in the attached service list, on this date before 4:00 p.m.
- ☒ **BY MAIL:** I caused such envelope(s) with affixed prepaid postage to be placed in the United States mail in San Juan Bautista, California.
- ☐ **BY PERSONAL SERVICES:** I caused such envelope(s) to be delivered by hand this date to the offices of the addressee(s).
- ☐ **BY OVERNIGHT DELIVERY:** I caused such envelopes to be delivered to an overnight delivery service with all fees paid in advance, addressed to the person(s) on whom it was to be served.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct and this proof of service was executed this 2nd day of November, and 2007, at San Juan Bautista, California.

A handwritten signature in black ink, reading "Sandy Mullen", written over a horizontal line.
Sandy Mullen

PROOF OF SERVICE

I am a citizen of the United States, I am over the age of eighteen years and am not a party to the within cause. I am employed in the City and County of San Francisco, California and my business address is 525 Market Street, 17th Floor, San Francisco, California 94105.

On this date I served the following document(s).

WAIVER OF SERVICE OF SUMMONS

on the party(ies) identified below, and/or through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

XX: By First Class Mail -- I caused each such envelope, with first class postage thereon fully prepaid, to be deposited in a recognized place of deposit of the U.S. Mail in San Francisco, California, for collection to the office of the addressee following ordinary business practices.

By Personal Service -- I caused each such envelope to be given to a courier messenger who personally delivered each such envelope to the office of the addressee.

By Overnight Courier -- I caused each such envelope to be given to an overnight mail service at San Francisco, California, to be hand delivered to the office of the addressee on the next business day.

Facsimile -- (Only where permitted. Must consult CCP §1012.5 and California Rules of Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in N.D.CA.)

Mark Cardinal
De Vries Law Firm
P.O. Box 996
San Juan Bautista, CA 95045-0961
Attorney for Defendants
VINA CUESTA STATUA AND
INOCENCIO S. AMBE

Laura Spease
Law Offices of Laura Spease
7700 Edgewater Drive
Oakland, CA 94621
Attorney for Defendant
ESTELA D. REED

Corazon Ambe Cabales
14323 Merced Street
San Leandro, CA 94579
Defendant

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

EXECUTED **November 5, 2007**, at San Francisco, California.


Joya Yeung